



Paul T. Gallagher  
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October 11, 2005

**BY HAND DELIVERY**

The Honorable Jack B. Weinstein  
Senior Judge  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *Barbara Schwab v. Philip Morris USA, Inc., et al.***  
**Case No. 04-1945 (JBW) (SMG)**

Dear Judge Weinstein:

On August 22, 2005, Plaintiffs provided the Court with detailed responses to the Court's Questions of June 6, 2005. Supporting those responses were several declarations or affidavits, including ones from Lawrence Tribe, Richard Redfern and Katherine Kinsella. None of these three individuals will be testifying at trial nor are their statements presented to support any of Plaintiffs' motions, including Plaintiffs' Motion for Class Certification. Their statements were presented solely in response to the Court's questions.

To avoid any waste of time having these individuals deposed by Defendants, Plaintiffs withdraw their reports.

Sincerely,  
**Cohen, Milstein, Hausfeld & Toll P.L.L.C.**

/s/

Paul T. Gallagher

PTG/lea  
cc: Defense Counsel  
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